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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
The Development of Operational,)
Technical, and Spectrum)
Requirements for Meeting)
Federal, State and Local Public)
Safety Agency Communication)
Requirements Through the Year)
2010)

WT Docket No. 96-86

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To: The Commission

COMMENTS
OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc.
("ITA"), pursuant to the Federal Communications Commission's
Notice of Proposed Rule Making in the above-referenced matter,
hereby respectfully submits these Comments responsive to the
Commission's proposal.¹

I. PRELIMINARY STATEMENT

1. ITA, formerly the Special Industrial Radio Service
Association, Inc. ("SIRSA"), is an association organized under

¹ Notice of Proposed Rule Making (FCC 96-155), WT Docket No.
96-86, adopted April 5, 1996, released April 10, 1996.

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the laws of the District of Columbia. ITA is the Commission's certified frequency coordinator for the Special Industrial Radio Service and the Industrial/Land Transportation 421-430 MHz and 800/900 MHz frequency pools. ITA also coordinates modification applications for existing systems licensed in the 800 MHz General Category pool. ITA coordinates in excess of 6,000 applications per year on behalf of applicants seeking Commission authority to operate radio stations on frequency assignments allocated to the Special Industrial Radio Service and the enumerated 800/900 MHz frequency pools.

2. ITA enjoys the support of a membership that includes more than 6,500 private land mobile radio communications licensees and the following trade associations:

Alliance of Motion Picture and Television Producers
Associated Builders & Contractors, Inc.
Florida Citrus Processors Association
Florida Fruit & Vegetable Association
National Mining Association
National Propane Gas Association
National Utility Contractors Association
United States Telephone Association

II. COMMENTS

3. In the subject Notice of Proposed Rule Making, the Commission proposes to adopt definitions for the terms "public safety" and "public services." The Commission's proposed definitions are derived from definitions developed by the

Public Safety Wireless Advisory Committee ("PSWAC").² As discussed below, ITA takes issue with several aspects of the PSWAC Final Report and, in particular, the portrayal of some, but not all, of the Industrial Radio Services as "public services."

4. ITA is particularly concerned with the ramifications of matters addressed in the PSWAC Final Report that are patently outside the scope of PSWAC's charter. Of principal concern is the blatant prejudice shown to industrial radio services that happen to fall outside PSWAC's concept of "public services." With respect to the Commission's private land mobile refarming proceeding, PR Docket No. 92-235, the PSWAC Final Report recommends that, if the FCC does not leave the twenty individual Part 90 radio services intact, it should create a system of three service pools: public safety, public services and business/commercial.

5. PSWAC would ascribe the highest priority to the public safety pool. It ranks the public services pool second in priority. The business/commercial pool, in PSWAC's view, would

² PSWAC's definition of "public safety" appears on page 73 of the "Final Report of the Public Safety Wireless Advisory Committee," submitted to the Federal Communications Commission and the National Telecommunications and Information Administration on September 11, 1996. The definition of "public services" appears on page 74 of the same report. These definitions are identical to those proposed by the Commission on page 10 of the Notice of Proposed Rule Making in the instant proceeding.

have the lowest priority. To illustrate PSWAC's "vision" of the relative priorities of the three classes of radio services, interservice sharing would be authorized from the higher priority categories to the lower ones, but not vice versa.

6. ITA believes the PSWAC concept of service priorities, and the definitions on which this concept is based, is short-sighted, unjust and prejudicial to those industrial services that PSWAC arbitrarily excluded from the definition of "public services." Moreover, the PSWAC recommendations regarding "public services" and the relative priorities that PSWAC ascribes to each service category are beyond the mandate and organizational mission assigned to PSWAC. Further, even though the scheme of priorities devised by PSWAC would have a dramatic effect on all non-public safety services in the private wireless community, PSWAC chose to formulate this plan without appropriate input of representatives from the industrial and business sectors.

7. ITA does not believe that PSWAC should be commenting on, or assessing priorities for, the industrial and business sectors because such areas fall outside PSWAC's core competence. Two examples suffice to illustrate the problems inherent in the broad scope of the recommendations formulated by PSWAC. While a good portion of the existing public safety systems are used for services that are critical to safety of

life, some public safety uses are of distinctly lesser priority.

8. For example, the sole purpose of some radio systems licensed by entities eligible in the Local Government Radio Service is to turn lawn sprinkler systems at public facilities on and off. To cite a more visible and more immediate example, helicopters owned and operated by the New York City Police Department hovered above Yankee Stadium before Game 1 of the 1996 World Series in an effort to dry out the playing field. Certainly, this activity required the use of police radio frequencies to coordinate the operation of the helicopters.

9. The hierarchy that flows from PSWAC's definition of "public safety" and "public services" would elevate lawn sprinkler systems and the playing conditions at Yankee Stadium above such critical needs as the safe and efficient operation of construction sites, manufacturing plants, airport facilities, oil refineries and similar uses. ITA readily recognizes that neither lawn sprinkler control systems nor the efforts to dry out Yankee Stadium are representative of the vast majority of public safety applications. In fact, ITA is reluctant to pass judgment on the relative priorities of the various public safety systems, because public safety communications are not within ITA's core competence. Similarly, and for the same reason, it is inappropriate for

PSWAC to attempt to assess the relative priorities of the multitude of requirements served by industrial and business radio systems. Yet, when the PSWAC Final Report assigns priorities for radio services that are outside the realm of public safety, it is in fact assessing the relative priorities of the entire range of diverse requirements served by industrial and business radio systems.

10. Moreover, with the widespread use of digital technologies, it will be impossible to enforce artificial distinctions in the types of communications being transmitted. So, while ITA understands that PSWAC, in deference to policy and political concerns, must advocate an independent public safety service pool, it is anachronistic to attempt to define a hierarchy of private radio services. For the reasons indicated above, ITA strongly disputes the discussion in the PSWAC final report relating to private land mobile radio services other than public safety services. This discussion is outside PSWAC's core competence and involves considerations and judgments that PSWAC is ill-equipped to make.

11. For the same reason, ITA urges the Commission not to adopt the proposed definition of "public services." This definition is arbitrary and presumes an environment in which certain "elect" categories of industrial systems provide uniquely valuable benefits to the public welfare. It is futile

to attempt to draw clear distinctions in the social utility served by industrial systems that are essentially comparable. Under the definitions set forth in the Commission's proposal, the communications systems operated by an electric utility at a nuclear power plant would be classified as "public service." In distinct contrast, however, the communications systems used by the mining companies that mine the uranium used at the power plants would be excluded from the "public services" category. Similarly, the communications systems used by the transport trucks that haul uranium to the power plants would also be excluded. There is little rationale for such a result; the result is contrary to the public interest.

12. ITA offers the foregoing comments in the hope that the Commission will avoid reaching decisions in the instant public safety proceeding that would have a directly detrimental impact on non-public safety services. ITA urges the Commission to confine its decisions in the instant proceeding to those subjects that directly affect the operation of public safety systems.

WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. respectfully submits the foregoing Comments and urges the Federal Communications

Commission to act in accordance with the views expressed
herein.

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